

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG

DALE BERNARD BEARD, JR.,

Plaintiff,

vs.

Civil Action No. 3:23-CV-193(Groh)

DANIEL E. SMITH, individually  
ADAM ALBAUGH, individually,

Defendants.

**CERTIFICATE OF SERVICE**

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing, "**PLAINTIFF'S RESPONSE TO THE DEFENDANTS' FIRST SET OF COMBINED INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF**", has been served upon counsel of record by using the CM/ECF System, this the 22nd day of July, 2024 and addressed as follows:

Keith C. Gamble  
Pullin, Fowler, Flanagan, Brown & Poe, PLLC  
2414 Cranberry Square  
Morgantown, WV 26508

/s/ John H. Bryan  
John H. Bryan (WV Bar No. 10259)  
P.O. Box 366  
Union, WV 24983  
(304) 772-4999  
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constant nightmares regarding this incident. My name was put in the local newspaper for being arrested on drug charges and obstruction. Our business lost clients soon after and we will never know the sheer number of events and money we lost to the idea that I was “on drugs”.

**Interrogatory No. 7:** Please identify every doctor, other medical practitioner, hospital, or other medical facility, who has treated you for any injuries described in your answer to Interrogatory No. 6, if any. As part of said response please include the name and address of each and every doctor, other medical practitioner, hospital or other medical facility providing treatment; the dates upon which treatment was provided; a description of the injury or symptoms treated by each such doctor, other medical practitioner, hospital, or other medical facility; a description of the treatment you received from each such doctor, other medical practitioner, hospital, or other medical facility; whether you are still under the care of such doctor, other medical practitioner, hospital, or other medical facility, and, if so, the date of your next scheduled appointment; and the total cost of the treatment rendered by each such doctor, other medical practitioner, hospital, or other medical facility.

**Response:** I did not seek medical treatment.

**Interrogatory No. 8:** If you are claiming physical injuries in this matter, please identify every doctor, other medical practitioner, hospital, or other medical facility from whom/where you have received treatment for medical care 10 years prior to the filing of your Complaint, including the name and address of each and every doctor, other

medical practitioner, hospital, or other medical facility providing treatment; a description of the condition(s) treated by each such doctor, other medical practitioner, hospital, or other medical facility; and the date of your last visit with each such doctor, other medical practitioner, hospital, or other medical facility.

**Response:** None

**Interrogatory No. 9:** Please provide the itemized total amount of expenses that you have incurred, whether paid or unpaid, for medical treatment, medication, therapy or any other related expense, by medical or other provider for you, as a result of the incident in question.

**Response:** None

**Interrogatory No. 10:** Please itemize all out-of-pocket expenses which you claim to have incurred alleged in the Complaint, other than medical expenses identified in your answer to Interrogatory No. 9.

**Response:** Impound fee \$120

Bond ?

Gas to and from court appearances \$100.00

Paying help to cover events while I was at court appearances  
\$500.00-1,000.00

**Interrogatory No. 11:** If you allege that any of the injuries sustained in the incident

He's currently withholding public records regarding case. Still on going,

Complaint against Catie Wilkes-Delighati, she is protecting her husband, Anthony Delighatti. He is breaking the law and she refuses to prosecute.

2023; Complaint against Deputy Zelle of the Berkeley County Sheriff's Office for threatening arrest towards me for a constitutionally protected activity.

August 2023; Complaint against Berkeley County Sheriff's Deputy and the school resource officer, Deputy Strickler, for beating up an elderly woman in front of my child.

March 2023; Complaint against a West Virginia State Trooper for trying to threaten me into identifying myself. I cannot remember his name.

**Interrogatory No. 19:** Have you ever been arrested, charged or convicted of any crime? If so, please state the nature of the offense charged or for which you were convicted, the date of the charge or conviction, the disposition of the charge or the conviction, and the location of the charge or conviction.

**Response:** Yes. DUI, Assault and Battery, Domestic Violence, Destruction of Property, Obstruction, Berkeley County.

**Interrogatory No. 20:** If you are making a claim for loss of income, business interruption, and/or wages, please identify the dates and/or amounts lost that you allegedly sustained in the incident in question, provide any and all amounts of losses you are claiming and provide the method used to calculate the alleged losses.

**Response:** None.

**Request No. 2:** Please admit Plaintiff was not stopped by Defendant Albaugh.

**Response:** Admit

**Request No. 3:** Please admit Plaintiff was not arrested by Defendant Albaugh.

**Response:** Admit

**Request No. 4:** Please admit Plaintiff did not speak to Defendant Albaugh prior to being arrested.

**Response:** Admit

**Request No. 5:** Please admit Plaintiff was operating a vehicle on the day in question without a valid inspection sticker.

**Response:** Admit

**Request No. 6:** Please admit, under West Virginia law, to operate a vehicle lawfully on the roads of West Virginia, a vehicle must have a proper inspection sticker.

**Response:** Admit

**Request No. 7:** Please admit Plaintiff's operation of the at issue vehicle on August 23, 2021, was in violation of West Virginia law.

**Response:** Please refer to my attorney

**Request No. 8:** Please admit that operation of a vehicle without a proper or valid